

Notice of Allowability

Application No.

10/074,113

Examiner

Victor S Chang

Applicant(s)

ANSPACH, KEAN M.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment file 10/3/03.
2. ☒ The allowed claim(s) is/are 1-3,5-8,10,11,13-17 and 55-70.
3. ☒ The drawings filed on 03 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | <input type="checkbox"/> Other |

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP 1300

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Daniel Zinker

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas Winters on 12/3/2003.

The application has been amended as follows:

IN THE SPECIFICATION

In the beginning of the Specification, insert first sentence, "This application is a divisional of application serial no. 09/685,305, filed October 10, 2000, now allowed."

IN THE CLAIMS

In claim 1, line 3, after "disposed on", insert --an outer surface of--.

In claim 1, lines 3-4, delete "and having an adhesive surface located opposite the substrate".

In claim 1, line 6, change "adhesive surface" to --adhesive layer--.

In claim 3, line 2, change "adhesive surface" to --adhesive layer--.

In claim 7, lines 2 and 3, change "adhesive surface" to --adhesive layer--.

In claim 8, lines 2 and 3, change "adhesive surface" to --adhesive layer--.

In claim 10, line 2, delete "of the adhesive surface".

Art Unit: 1771

In claim 56, line 3, after "applying an adhesive to", delete "a", then insert --an outer surface of the--.

In claim 56, lines 3-4, delete "having an adhesive surface located opposite the substrate".

In claim 56, line 6, change "surface" to --layer--.

In claim 58, line 2, delete "the surface of".

In claim 59, line 2, change "adhesive surface" to --adhesive layer--.

In claim 62, lines 2 and 3, change "adhesive surface" to --adhesive layer--.

In claim 63, lines 2 and 3, change "adhesive surface" to --adhesive layer--.

In claim 64, line 2, delete "of the adhesive surface".

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

It is noted that the difference in the scope of the product claims between the instant invention and the previously allowed parent application USSN 09/685305 is that the parent application require the adhesive to be substantially non-stringing, whereas the instant invention claims a generic adhesive. In view of the reasons for allowance for the parent application (Paper No. 0730, page 2), which establishes that Keely lacks a teaching that the "particles are selected from the group consisting of solid particles, porous particles and combination thereof" (Paper No. 18, page 2), and the instant invention also overcome the prior rejections over Keely in combination with Ochi, because Ochi expressly teaches away from crushable particles and also teaches away

Art Unit: 1771

from the particle sizes equivalent to Keely's pressure sensitive adhesive, the Examiner notes that the instant invention is also neither anticipated nor obvious over Keely either individually, or in combination with Ochi.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."